

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<u>In re United States Patent Application of:</u>	)	Docket No.:	4121-136	
Applicant:	Nuesch, et al.	)	Confirmation No.:	9054
Application No.:	10/069,056	)	Examiner:	Not yet assigned
Date Filed:	February 11, 2002	)	Group Art Unit:	Not yet assigned
Title:	PARVOVIRUS NS 1 VARIANTS	)	Customer No.:	23448



23448

PATENT TRADEMARK OFFICE

I hereby certify that I am forwarding this document, sequence listing and disk to the U.S. Patent and Trademark Office on the date specified, in an envelope addressed to 2011 South Clark Place, Customer Window, Box Sequence, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202 via Federal Express Courier.

L. Stephen Lockett

February 28, 2003

Date of Mailing

7902 1787 8854

Federal Express Label Number

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**RESPONSE TO FEBRUARY 11, 2003 NOTIFICATION OF DEFECTIVE RESPONSE IN U.S.  
PATENT APPLICATION NO. 10/069,056**


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U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Box Sequence  
Cyrstal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Applicants received a Notification of Defective Response on February 11, 2003, stating that all requirements set forth in the May 30, 2002 "Notification of Missing Requirements in the above identified application had not been received. Specifically, applicants were informed that a copy of the sequence listings and computer readable disk containing the sequence listing had not been submitted to the United States Patent and Trademark Office (USPTO). However, applicants did meet the deadline and requirements set forth in the May 30, 2002 Notification of Missing Requirements, as evidenced by the documents found in Appendix A, attached herewith. It is certainly evident that the documents and disk

were sent on June 20, 2002 by reviewing the Express Label with a stamped date of June 20, 2002. Furthermore, the USPTO returned applicants' postcard with a date of June 20, 2002 stamped directly on the postcard. Thus applicants sent the documents that were received by the USPTO and applicants should not have to duplicate the efforts and cost of a previous correct submission of the sequence listing and disk containing same.

However, in response to the February 11, 2003 Notification of Defective Response, the following documents are being resubmitted herewith:

- (1) a paper copy of the document entitled "Sequence Listing\_resubmit.ST25" ("Sequence Listing");
- (2) a computer readable copy of the Sequence Listing recorded on February 27, 2003 and checked for errors using Checker Version 4.0 on February 27, 2003;
- (3) a statement under 37 C.F.R. §1.821 (f) for the Sequence Listing; and
- (4) a copy of the February 11, 2003 Notice of Defective Response for this application.

Applicants are submitting herewith a computer readable disk containing the sequence disclosed in the present application. It must be reiterated that this submission is a duplicate of that already submitted on June 20, 2002, in response to the May 30, 2002 Notice of Missing Requirements.

Respectfully submitted,

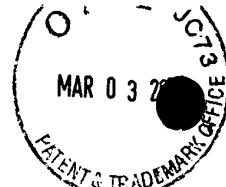


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## UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/069,056	Jurg Nuesch	4121-136

Marianne Fuierer  
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JUN 3

INTERNATIONAL APPLICATION NO.

PCT/EP00/07835

I.A. FILING DATE	PRIORITY DATE
	08/11/2000

CONFIRMATION NO. 9054  
371 FORMALITIES LETTER



\*OC00000008198218\*

Date Mailed: 05/30/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments

*Hexagon ✓ 201*  
*Response Due 7/30/02*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- **APPLICANT MUST PROVIDE:**
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Late oath or declaration Surcharge.
- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 305-3737

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/069,056	PCT/EP00/07835	4121-136